

Message Text

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C O N F I D E N T I A L BRASILIA 2444

E.O. 11652: GDS

TAGS: TSPA, BR

SUBJECT: REMOTE SENSING AGREEMENT

1. EMBASSY OFFICERS MET WITH BRAZILIAN SPACE ACTIVITIES COMMISSION (COBAE) MEMBERS, AMBASSADOR CELSO SOUSA E SILVA, REPRESENTING FOREIGN OFFICE, AND ADMIRAL OSORIO PINTO, REPRESENTING ARMED FORCES GENERAL STAFF, TO DISCUSS REMOTE SENSING AGREEMENT.

2. AMBASSADOR CELSO STATED THAT NEGOTIATIONS WITH THE US ON THE QUESTION OF OPEN DISSEMINATION OF REMOTE SENSING DATA AS DESCRIBED IN PART II OF 1973 REMOTE SENSING AGREEMENT IS BEING HANDLED THROUGH BRATILIAN EMBASSY IN WASHINGTON. D.C. HE FELT THAT WHAT BRAZIL SEES AS A CONFLICT BETWEEN THE AGREEMENT FOR OPEN DISSEMINATION AND BRAZILIAN LAW MIGHT HAVE BEEN AVOIDED IF COBAE HAD BEEN IN

EXISTENCE AT THE TIME THAT THE 1973 AGREEMENT WAS FORMULATED. IN FURTHER CONVERSATION, BOTH CELSO AND OSORIO AGREED WHAT POSSIBLE CONFLICT WITH BRAZILIAN LAW DEPENDS ON WHETHER OR NOT ERTS IMAGERY IS CAPABLE OF REVEALING INFORMATION CON-
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SIDERED BY BRAZILIANS TO BE SENSITIVE, AND THUS DEPENDS ON

TECHNICAL RATHER THAN POLITICAL OR STRATEGIC CONSIDERATIONS.

3. CELSO STATED THAT COBAE MEMBERS PLANNING TO VISIT NASA FACILITIES IN US WILL NOT PARTICIPATE IN ANY WAY IN NEGOTIATIONS OVER THE REMOTE SENSING AGREEMENT, BUT WILL BE INTERESTED IN TECHNICAL DETAILS ERTS PROGRAM, INCLUDING RESOLUTION CAPABILITY OF IMAGERY AS WELL AS NASO POLICIES AND STRUCTURE.

4. COMMENT: LAST SENTENCE PARA 2 BASED ON EXAMINATION OF BRAZILIAN LAW. ARTICLE 19 OF GOB LAW 71267 PROVIDES THAT GOB MUST GRANT PRIOR APPROVAL FOR DISSEMINATION OF REMOTE SENSING DATA; ARTICLE 22, OF SAME LAW ALLOWS FOR THE FREE DISSEMINATION OF SUCH DATA IF IT IS OF AN UNCLASSIFIED NATURE. CONSEQUENTLY, PROBLEM CAN BE REDUCED TO TECHNICAL JUDGMENT OF THE CAPABILITIES OF THE ERTS DATA. IF ERTS DATA IS RECOGNIZED AS UNCLASSIFIED, UNDER BRAZILIAN LAW THERE CAN BE COMPLETELY FREE DISSEMINATION WITHOUT THE NECESSITY OF PRIOR APPROVAL.

5. THIS ISSUE CONCERNING THE DISSEMINATION OF REMOTE SENSING DATA HAS BEEN RAISED WITH A NUMBER OF EMBASSY OFFICERS ON DIFFERENT OCCASION M# WE WOULD ACCORDINGLY APPRECIATE BEING KEEPFULLY INFORMED OF ANY DISCUSSIONS ON THIS SUBJECT.
CRIMMINS

NOTE BY OC/T: #AS RECEIVED.

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